

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT

2006 DEC 14 P 4:22

THE WOLFINGTON GROUP
Plaintiff

vs.

BERTERA CHEVROLET PONTIAC
BUICK, INC.
Defendant

CIVIL ACTION NO. 05-30202-MAP

**DEFENDANT'S ASSENTED TO EMERGENCY MOTION
TO RESCHEDULE PRE-TRIAL CONFERENCE**

Now comes the defendant and moves on an emergency basis pursuant to LR, D. Mass. 40.3 to reschedule the pretrial conference that is currently scheduled for Wednesday, December 20, 2006 at 2:30 p.m.. The defendant represents that the parties have not requested any previous continuances of this pretrial conference or any other proceedings in this case.

As grounds for this motion, the defendant states that it just recently learned that it has insurance available to cover the claim that is the basis of this action. Upon learning of the availability of such insurance coverage, the defendant notified its insurance carrier. On December 13, 2006, counsel for the defendant was contacted by Attorney John A. Kiernan of Bonner Kiernan Trebach & Crociata, LLP, 1 Liberty Square, Boston, Massachusetts, who stated that his firm has just been retained by the defendant's insurance carrier to represent the defendant. Attorney Kiernan has advised counsel for the defendant that he will be filing an appearance on behalf of the defendant in this action. As a result, current counsel will be withdrawing from this case.

Attorney Kiernan has informed counsel that he has previously scheduled commitments for December 20, 2006 which preclude him from attending the scheduled pre-trial conference, and that furthermore he needs additional time to review this case, as the matter had just been assigned to him.

The defendant represents that the existence of insurance in this matter may help to facilitate settlement of this case and thereby reduce the likelihood that this case will have to go to trial.

The parties state that they are available for a pretrial conference during the week of January 22, 2007. Counsel for the defendant represents that plaintiff's counsel has assented to this motion.

Wherefore, the defendant respectfully requests that this motion be allowed and that this case be assigned for a new pretrial conference date.

THE DEFENDANT

Date: December 14, 2006

By: 

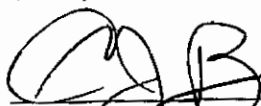
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CERTIFICATE OF SERVICE

I, Christopher J. Brown, Esq., hereby certify that I served a copy of the foregoing pleading on all parties to this case by faxing and mailing a copy of same by first class mail, postage pre-paid, to:

Alfred C. Frawley, Esquire, Roy T. Pierce, Esquire, One City Center, P. O. Box 9546
Portland, ME 04112-9546

Date: December 14, 2006


Christopher J. Brown, Esquire